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October 17, 2022

By ECF

Hon. Philip M. Halpern
United States Courthouse
300 Quarropas St.
White Plains, NY 10601

Re: Gioia v. Project Veritas
Case No. 22-cv-06710 PMH)

Dear Judge Halpern:

On October 10, 2022, Defendants Project Veritas, O'Hara and O'Keefe posted a letter to Plaintiffs' counsel commencing the Motion to Dismiss process under the Court's Rule 4(c)(ii).

On October 11, 2022 this Court issued a Mediation Referral Order because this is an FLSA case. In that Order, the Court deferred on scheduling a Rule 16(b) conference. We assume that the litigation of the Motion to Dismiss which is largely based on a purported failure to plead the overtime hours, and what was done during the overtime sufficient detail. Given the records the Court directed the parties to produce, we assume that litigation of that proposed motion is similarly put on hold pending mediation.

If we are wrong, we request that the Court so advise.

Respectfully submitted,

/s/ Arthur Z. Schwartz

Arthur Z. Schwartz

AZS:dr

cc: Justin Kelton, Esq.